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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,059	03/19/2001	Daniel P. McCune	01-035-US	9010

7590

07/02/2003

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EXAMINER

POPOVICS, ROBERT J

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/82,059

Applicant(s)

McCune et al.

Examiner

Popovics

Group Art Unit

1724

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 9/26/01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- ☐ Of the above claim(s) 17-20 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-16 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Election/Restriction

1. Claims 1-20 are pending. Applicant elected Group I (Paper No. Six) in a telephone conversation on or about September 5, 2002. Claims 1-16 are elected. Claims 17-20 are non-elected. Applicants are requested to cancel the non-elected claims in their next response.

Specification

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification. It should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Reference to a "Microfiche Appendix": See 37CFR 1.96(c) and MPEP § 608.05, if the application was filed before March 1, 2001. The total number of microfiche and the total number of frames should be specified. Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on compact disc and an incorporation by reference of the material on the compact disc.
- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art: A description of the related art known to the applicant and including, if applicable, references to specific related art and

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problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (I) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet (37 CFR 1.52(b)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(l)-(p).
- (j) Abstract of the Disclosure: A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims.
- (k) Drawings: See 37 CFR 1.81, 1.83-1.85, and MPEP § 608.02.

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(l) Sequence Listing, if on paper: See 37 CFR 1.821-1.825.

2. The disclosure is objected to because of the following informalities: Paragraphs labeled “[19]” through “[28]” appear to be directed solely to a discussion of the prior art, yet appear under the heading, “Description of the Preferred Embodiments.” For Applicants’ convenience, the preferred layout and content of the specification is set forth above. Minimally, paragraphs labeled “[19]” through “[28]” should appear under a section labeled “Description of the Related/Prior Art.”

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3, 9, 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: an inlet, an outlet and cartridge filter bores (i.e., the subject matter recited in claim 4).

5. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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With respect to claim 1, it is unclear what Applicants intend by the recitation "*integral*," in the context used. Furthermore, it is unclear how this language differs (if at all) from the term "*intergrated*" as used in the claim. Moreover, it is unclear what portion of the "*integrated base assembly*" makes up the claimed "*integral cartridge plate*." It is unclear what Applicants intend by the term "*plate*," as used in the claims. A "*plate*" is not illustrated in Figs. 2-4. Use of the term "*plate*" is considered misdescriptive, since it is inconsistent with the accepted ordinary meaning ("a smooth, flat, relatively thin piece of metal or other material" Webster's New World Dictionary - Third College Edition Copyright 1988) of the term, and is therefore considered vague and indefinite. Indeed, it appears that Applicants have eliminated the cartridge plate of the prior art, as opposed to making it integral.

In claims 11 and 12, it is unclear what Applicants intend by the recitation "*style*," or how this language is intended to limit the claims.

It is unclear what Applicants intend by claim 13, since the instant drawings, i.e., Fig. 2-4, clearly show the instant invention to employ a base assembly have substantially horizontal surfaces.

With respect to claim 14, the nature of the structural relationship between the "*multi-round filter housing*" and the specified "*cleaning wand*" is unclear. Do Applicants intend the "*cleaning wand*" to be a sub-component of the "*multi-round filter housing*?" Moreover, it is unclear what meaning Applicants intend to convey through use of the term "*wand*."

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It is unclear how Applicants intend claim 16 to further define the invention of claim 15. It is unclear what Applicants intend by the recitation "*are designed,*" in the context used, or how this language is intended to structurally limit the spray devices. Applicants may wish to consider means plus function language.

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the structures recited in claim 13 (i.e., cartridge plate, inlet manifold, outlet manifold) without any horizontal surfaces must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

7. Claim 1 and 4 are rejected under 35 U.S.C. 102(a or b) as being anticipated by the Allegheny Bradford Corporation Brochure cited by Applicants. As understood, claims 1 and 4 are seen to be anticipated by the Allegheny Bradford Corporation Brochure. The cartridge plate of this reference is seen to be "*integral.*"

8. Claim 1,4 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by the Pall Housing Data Sheet H21. As understood, claims 1, 4 and 9-12 are seen to be anticipated by the Pall Housing Data Sheet H21. The cartridge plate of this reference is seen to be "*integral.*"

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9. Claim 1,4 and 9-12,are rejected under 35 U.S.C. 102(b) as being anticipated by the Pall Housing Data Sheet H25. As understood, claims 1, 4 and 9-12 are seen to be anticipated by the Pall Housing Data Sheet H25. The cartridge plate of this reference is seen to be *"integral."*

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1 and 4 are *alternatively* rejected under 35 U.S.C. 103(a) as being unpatentable over the Allegheny Bradford Corporation Brochure. These claims specify the term *"integral,"* with respect to the *"cartridge plate."* The meaning of the term *"integral,"* in the context used, is unclear. It is unclear if Applicants intend the term *"integral"* to mean that the *"integrated base assembly"* and *"cartridge plate"* are of *single piece construction*. Moreover, it is unclear if the reference, teaches unitary or separate piece construction. In any event, if it is established that the reference does not teach unitary/single piece construction, and this is what Applicants intend, then it is submitted that the use of a one piece construction instead of the structure disclosed in the reference would be merely a matter of obvious engineering choice to one skilled in the art. See *In re Larson*, 340 F.2d 965, 968; 144 USPQ 347, 349 (CCPA 1965).

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12. Claims are 1,4 and 9-12 are *alternatively* rejected under 35 U.S.C. 103(a) as being unpatentable over Pall Housing Data Sheet H21. These claims specify the term “*integral*,” with respect to the “*cartridge plate*.” The meaning of the term “*integral*,” in the context used, is unclear. It is unclear if Applicants intend the term “*integral*” to mean that the “*integrated base assembly*” and “*cartridge plate*” are of *single piece construction*. Moreover, it is unclear if the reference, teaches unitary or separate piece construction. In any event, if it is established that the reference does not teach unitary/single piece construction, and this is what Applicants intend, then it is submitted that the use of a one piece construction instead of the structure disclosed in the reference would be merely a matter of obvious engineering choice to one skilled in the art. See *In re Larson*, 340 F.2d 965, 968; 144 USPQ 347, 349 (CCPA 1965).

13. Claims are 1,4 and 9-12 are *alternatively* rejected under 35 U.S.C. 103(a) as being unpatentable over Pall Housing Data Sheet H25. These claims specify the term “*integral*,” with respect to the “*cartridge plate*.” The meaning of the term “*integral*,” in the context used, is unclear. It is unclear if Applicants intend the term “*integral*” to mean that the “*integrated base assembly*” and “*cartridge plate*” are of *single piece construction*. Moreover, it is unclear if the reference, teaches unitary or separate piece construction. In any event, if it is established that the reference does not teach unitary/single piece construction, and this is what Applicants intend, then it is submitted that the use of a one piece construction instead of the structure disclosed in the

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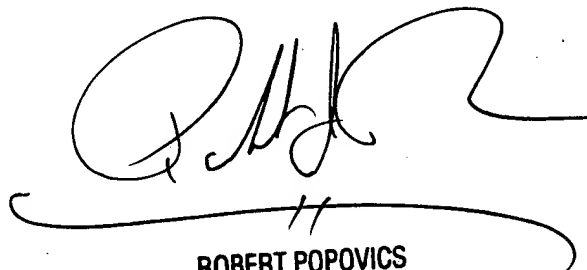
reference would merely be a matter of obvious engineering choice to one skilled in the art. See *In re Larson*, 340 F.2d 965, 968; 144 USPQ 347, 349 (CCPA 1965).

Allowable Subject Matter

14. Claims 2-3 and 5-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Claims 14-16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

15. Any inquiry concerning this communication should be directed to Examiner Popovics at telephone number (703) 308-0684.

RJP
June 29, 2003



ROBERT POPOVICS
PRIMARY EXAMINER